IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 7365 of 2005

Between:

Smt.V.A.Radha, E-359040, Conductor,

W/o.V.R.V.Prasad, Hakimpet Depot,
R/o.Vijayawada, Krishna District.

..... PETITIONER

AND

1 The APSRTC, rep.by its Regional Manager,

Hyderabad City Region, Jublee Bus Station, Picket,
Secunderabad.
2 The APSRTC, rep.by its Divisional Manager,

Secunderabad Division, Rathifile Bus Station Secunderabad.
3 The APSRTC rep.by its Depot Manager,

Hakimpet Depot, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents herein in imposing the punishment of removal from service on the allegation of suspected misappropriation of Rs.2/- without considering the depositions made by the co-passengers vide proc.No:02/62(15)/2004-HPT, dt.30-6-2004, which was confirmed by the appellate authority vide proc.No.PA/19(53)/2004-DVM,SD, dt.22-3-2005 as illegal, unjust and arbitrary, contrary to all canons of law and as such liable to be set aside by directing the respondents to reinstate the petitioner forthwith by paying the arrears of wages for the period out of employment and pass such other order or orders as may deem fit

and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in imposing punishment of removal from service on the allegation of suspected misappropriation of Rs.2/- without considering the depositions made by the Co-passengers vide proceedings No.02/62(15)/2004-HPT, dated 30.06.2004, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondents.

For certain cash and ticket irregularities, the petitioner was removed from service. A departmental enquiry was conducted and report was filed. After completion of departmental enquiry, the disciplinary authority passed the impugned order, removing the petitioner from service. Aggrieved by the same, the petitioner preferred an appeal before the Divisional Manager and the same was also rejected by proceedings dated 22.03.2005. Challenging the same, the present writ petition is filed.

Admittedly, as against the order of the appellate authority, a statutory revision lies before the 1st respondent-Regional Manager.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the petitioner to file a review before the 1st respondent-Regional Manager, and on filing such review, the 1st respondent may consider the same and pass necessary orders thereon. All the contentions raised in this writ petition are left open.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 05.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Hyderabad City Region, Jublee Bus Station,

Picket, Secunderabad

2. The Divisional Manager, APSRTC,

Secunderabad Division, Rathifile Bus Station,

Secunderabad

3. The Depot Manager, APSRTC,

Hakimpet Depot, Secunderabad

4. Two CD copies

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